

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 234 - SB 294

February 13, 2013

SUMMARY OF BILL: Authorizes the juvenile court clerk to withhold funds within a trust established for a minor pursuant to the Criminal Injuries Compensation Act of 1976 (the Act) for the purpose of paying court costs, fines, fees, or restitutions resulting from the minor beneficiary's actions pending in juvenile court.

ESTIMATED FISCAL IMPACT:

Increase Local Revenue - Exceeds \$28,100/Permissive

Assumptions:

- Tenn. Code Ann. § 29-13-111 currently prohibits any award from the Criminal Injuries Compensation Fund (CICF) established pursuant to the Act from being subject to execution or attachment other than for expenses resulting from the injury or death which is the basis of the claim or child support payments in arrearage.
- The amount of funds awarded from the CICF will not be impacted by this legislation.
- According to the Administrative Office of the Courts website, there are 98 juvenile courts in the state. There is little standardization in juvenile court size. There is at least one juvenile court located in each county of the state.
- As of February 2013, the Davidson County juvenile court clerk reported managing approximately 199 CICF trust accounts for minors 13-18 years of age. Of those accounts, 26 had pending court costs or restitution owed for a total of \$4,879.
- As of February 2013, the Hamilton County juvenile court clerk reported managing 125 accounts. In the past year, three accounts were closed with court costs collected totaling approximately \$4,200.
- As of February 2013, the Madison County juvenile court clerk reported managing 146 trust accounts. None of those accounts have pending court costs or restitution owed. Five closed cases have court costs totaling \$392.
- Due to the lack of data for each juvenile court, the likely variation in numbers of trust accounts managed by juvenile courts based on court size, and the likely variation in amounts of pending court costs and restitutions owed in each juvenile court it is not possible to predict with certainty the fiscal impact of the bill on local government revenue.

- Not all juvenile court clerks will choose to withhold funds within a trust for the purpose of paying amounts owed to the clerk. According to the Memphis and Shelby County juvenile court clerk, that court may choose not to withhold these funds.
- Based on the information provided by the juvenile court clerks contacted, it is estimated the bill will result in an increase in permissive revenue for county court clerks.
- It is estimated that the juvenile courts in three of the most populous four counties (Knox County, Hamilton County, and Metropolitan Nashville and Davidson County) will collect revenue of at least \$5,000 each for a total increase in revenue exceeding \$15,000 (\$5,000 x 3 courts).
- It is estimated that the juvenile courts in counties with a population of 100,000 or more and less than 300,000 (11 courts including three in Sullivan County and two in Washington County) will collect revenue of at least \$500 each for a total increase in revenue exceeding \$5,500 (\$500 x 11 courts).
- It is estimated that the juvenile courts in counties with a population of 50,000 or more and less than 100,000 (17 courts) will collect revenue of at least \$250 each for a total increase in revenue exceeding \$4,250 (17 courts x \$250).
- It is estimated that the juvenile courts in counties with a population of less than 50,000 (66 courts) will collect revenue of at least \$50 each for a total increase in revenue exceeding \$3,300 (66 courts x \$50).
- The total increase in permissive local government revenue is estimated to exceed \$28,050 (\$15,000 + \$5,500 + \$4,250 + \$3,300).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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